

1 JOSEPH P. RUSSONELLO (CABN 44332)
United States Attorney

2 BRIAN J. STRETCH (CABN 163973)
3 Chief, Criminal Division

4 ANDREW S. HUANG (CABN 193730)
5 Assistant United States Attorney

6 1301 Clay Street, Suite 340S
7 Oakland, California 94612
Telephone: (510) 637-3680
Facsimile: (510) 637-3724
E-Mail: andrew.huang@usdoj.gov

9 Attorneys for Plaintiff

10

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14

15 UNITED STATES OF AMERICA,) No. CR 08-0214 (VRW-JL)
16 Plaintiff,)
17 v.) STIPULATION AND [PROPOSED] ORDER
18 CARLOS D. ARAIZA.) EXCLUDING TIME UNDER 18 U.S.C. § 3161
19)
20 Defendant.)
21

22 On April 10, 2008, the parties in this case appeared before the Court for a detention
23 hearing. At the time, this case was continued to May 15, 2008 for a status hearing before the
24 Honorable Vaughn R. Walker. By Clerk's Notice, the parties have now been informed that the
25 status hearing has been continued to May 22, 2008. At the time of the April 10, 2008 hearing,
26 the parties stipulated that time through the date of the status hearing should be excluded from
27 Speedy Trial Act calculations because, as set forth in more detail here, the government was in the
28 process of preparing and providing discovery and the defense would require time to review this

04/11/2008 10:08 5106373724

US ATTORNEYS OFFICE

PAGE 03/04

1 discovery in order to adequately prepare a defense. Accordingly, the length of the requested
2 continuance, from the time of this stipulation, April 11, 2008 hearing until the May 22, 2008
3 hearing, is the reasonable amount of time necessary for effective preparation of counsel, taking
4 into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agree
5 that the ends of justice served by this continuance outweigh the best interests of the public and
6 the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

7

8 SO STIPULATED.

9 JOSEPH P. RUSSONIELLO
United States Attorney

10

11

4-11-200812 ANDREW S. HUANG
Assistant United States Attorney

13

14 SO STIPULATED.

15

4-11-08

16 Date

CHARLES C. PIERPOINT III
Counsel for Defendant Carlos D. Araiza

17

18

19

20

21

22

23

24

25

26

27

28

1

2

3 [PROPOSED] ORDER

4 For the reasons stated during the April 10, 2008 hearing, and for the reasons identified and
5 stipulated above, the Court finds that the ends of justice served by the requested continuance
6 outweigh the best interests of the public and the defendant in a speedy trial. The Court also finds
7 that time from the date of this Order, April 11, 2008, through May 22, 2008 shall be excluded
8 from Speedy Trial Act calculations for effective preparation of counsel. 18 U.S.C. §
9 3161(h)(8)(A). Failing to grant the requested continuance would deny counsel reasonable time
10 necessary for effective preparation, taking into account the exercise of due diligence, and would
11 result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(B)(iv).

12

13 SO ORDERED.

14

15 DATED: April 11, 2008


16 THE HONORABLE JAMES LARSON
United States Magistrate Judge

17

18

19

20

21

22

23

24

25

26

27

28